

Exhibit 2

Exhaustion of Administrative Remedies

SUPERINTENDENT ASSISTANT II



Initial Review Response

SCI Fayette
50 Overlook Dr
La Belle, PA, 15450-1050

03/21/2022 02:25

Inmate Name:	SANCHEZ, ORACIO	DOC #:	KR8346
Facility:	Fayette	Unit Location:	D/B 2033
Grievance #:	971715		

This serves to acknowledge receipt of your grievance to the assigned Grievance Officer. The response is as follows:

Decision: Grievance Denied

It is the decision of this Grievance Officer to uphold, deny, or uphold in part/deny in part the inmate's initial grievance. This response will include a brief rationale, a summary of the conclusion, any action taken to resolve the issue(s) raised in the grievance, and the relief sought.

Response:

I have investigated your complaints in this grievance and have come to this conclusion. Secretary of Corrections George M. Little did issue a memo regarding the transition of fellowship meals on 2/24/2022. The memo states "With the ever-growing number of faith groups accommodated within the Department, a change in policy is needed to continue to strive for equity among those faith groups." These changes will not take effect until January 1, 2023 and faith groups that have been accommodated in the past will still be able to observe them this year 2022. You also bring up that "We cannot eat the best mainline meal because it is neither prepared nor cooked according to Hebrew Israelite beliefs." The Dietary Department has never been a kosher kitchen and memos sent out in the past have stated. The Dietary Department will make every effort, within limitations, for DOC-supplied food items to be Kosher. Participants shall be aware that food is prepared in non-Kosher pots and baked in a non-Kosher oven. There has never been an issue with this in the past and I don't see how there is one now. Based on these finding of facts I must denied your grievance and any relief sought.

Signature:	<i>M. Kenderski</i>
Name:	M. Kenderski
Title:	CF 42
Approver:	D. Burkholder
Date:	

CC: Facility Grievance Coordinator
DC-15

S.C.I. FAYETTE

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 1 - Grievances & Initial Review, Attachment 1-D

KR8346 Grievance #: 971715

SANCHEZ, ORACIO

MAR 21 2022
Issued: 1/26/2016 Effective: 2/16/2016

SUPERINTENDENT ASSISTANT II

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SCI
INMATE APPEAL TO FACILITY MANAGER
GRIEVANCE

Inmate Number	NAME	HOUSING UNIT	DATE	GRIEVANCE#
KR-8346	Oracio Sanchez	DB-33	3/29/22	971715

I received my initial response from the Grievance Office/Coordinator on March 22, 2022 and have the following appeal issues.

Refer to DC-ADM 804, Grievance Appeal Procedures, for complete instructions.

Please provide a BRIEF (no longer than two pages) appeal statement.

See Attached Page

INMATE SIGNATURE: *Sanchez*

GRIEVANCE APPEAL

Grievance No. 971715

Mr. Kenderski acted beyond the scope of his duty by responding to and/or issuing a ruling on this grievance. I am grieving a change in the DOC's RELIGIOUS POLICY not SCI Fayette's Dietary. Mr. Kenderski is the Food Service Manager here at SCI Fayette. While my grievance is regarding religious meals he has no power to change DOC Policy. Therefore he has no power and/or authority to grant or deny any relief on this grievance rendering his denial of this grievance NULL and VOID. This grievance should have been referred to the Bureau of Treatment Services as they are the only ones with the vested authority to change Religious Policy.

Moreover, I agree with Mr. Kenderski that there is no Kosher Kitchen at SCI Fayette or any prison in the state of Pennsylvania. That is why we were given the ability to purchase Shelf Stable Kosher for Passover Meals as well as shelf stable meals for the Feast of Trumpets, Known as Rosh Hashanah. That is why I never had an issue in the past because we didn't have to eat the jail provided meal. I was able to eat Kosher in accordance with my religious beliefs. If we will no longer be permitted to order additional optional menu items then Kosher Kitchens should be installed in every state prison in Pennsylvania.

Furthermore, just because I nor anyone also filed an official complaint regarding the lack of Kosher Kitchens in the past does not mean it is not an issue. This has always been an issue now it has become an even greater issue

Taking away my ability to eat Kosher on my Holy Feast days is taking my 1st Amendment right to practice my religion as well as those rights under the Religious Land Use and Institutionalized Persons Act.

Relief Requested:

- 1) Stop the change of the Religious meals policy regarding the additional optional menu items;
- 2) Add Kosher Kitchens in every State prison in Pennsylvania

Respectfully Submitted,

Sanchez 3/29/22

Oracio Sanchez

Inmate # Kr-8346



Facility Manager's Appeal Response

SCI Fayette
50 Overlook Dr
La Belle, PA, 15450-1050

04/07/2022 01:52

Inmate Name:	SANCHEZ, ORACIO	DOC #:	KR8346
Facility:	Fayette	Unit Location:	D/B 2033
Grievance #:	971715		

This serves to acknowledge receipt of your grievance appeal to the Facility Manager for the grievance noted above. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to me and any other documents submitted.

Decision: Uphold Response

It is the decision of this Facility Manager to uphold the initial response, uphold the inmate, dismiss, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

You base your appeal on your opinion Mr. Kenderski should not have been assigned to investigate your grievance. You also believe this grievance should have been sent to Central Office to be investigated. The definition of a grievance officer is an appropriate Department Head or management level staff person designated by the Facility Grievance Coordinator to provide initial review of an inmate grievance arising from his/her specific area of responsibility (a Unit Manager would be assigned to provide initial review of a grievance regarding a housing unit). CFFMII Kenderski meets the definition of a grievance officer. Be advised, grievances need to be addressed at the Institution where they are filed at. Grievances are not referred to Central Office for investigation at the Facility level. With that being said, in order to further address your concerns the Division of Treatment Services was contacted. According to Rev. Klemm, your religious rights are not being violated by the memo that was distributed on behalf of Secretary Little. The Department affords every inmate the opportunity to apply for a religious diet, including a Kosher Diet. According to documentation, it was determined you voluntarily relinquished your Kosher Diet on 6-20-19. Up until then, you were aware that the food items served on the Kosher Diet were Kosher and that during Passover adjustments were made to the Kosher Bag Diet Meals to accommodate Passover restrictions. Thus, you had/have the opportunity to observe a Kosher diet 365 days of the year, including the eight days of Passover, when the menu for the Kosher Diet is modified to accommodate Passover restrictions. You also have the opportunity to maintain a Kosher diet during the Feast of Trumpets (AKA Rosh Hashanah), when the regular Kosher Diet menu served.

Additionally, the Memo issued by Secretary Little on Feb. 25, 2022 states that "Inmates who receive religious diets will receive their religious diets as their Fellowship Meal unless they inform the CPD/designee one week ahead of the date of the Fellowship Meal that they will forgo their religious diet and consume the Fellowship Meal." Thus, no matter when an inmate faith community elects to observe a holy day with a Fellowship Meal, with the "best mainline meal" being served, inmates whose religious convictions inform them of the need to maintain a religious diet are still accommodated with such. It has been determined the statements made by staff are credible. After careful evaluation of this grievance it has been determined the actions and response, by the investigating grievance officer, will be upheld.

Based on the above information, your appeal and requested relief are denied.

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-B

Issued: 1/26/2016 Effective: 2/16/2016

KR8346 Grievance #: 971715

SANCHEZ, ORACIO



Facility Manager's Appeal Response

SCI Fayette
50 Overlook Dr
La Belle, PA, 15450-1050

04/07/2022 01:52

Signature:

Name

E. Armel

Title:

Facility Manager

Date:

4-7-22

CC: DC-15
File

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-B

KR8346 Grievance #: 971715

SANCHEZ, ORACIO

Issued: 1/26/2016 Effective: 2/16/2016

Final Grievance Appeal

Inmate Name: Oracio Sanchez

Grievance No. 971715

Inmate No. KR-8346

Facility: SCI Fayette

Date: 4/14/2022

The facility manager denied relief alleging "according to Rev. Klemm, your religious rights are not being violated by the memo that was distributed on behalf of secretary Little. The Department affords every inmate the opportunity to apply for a religious diet, including a Kosher diet. According to documentation, it was determined that you voluntarily relinquished you Kosher Diet 6/20/19. Up until then, you were made aware that the food items served on the Kosher Diet were Kosher and that during Passover adjustments were made to the Kosher Bag Diet Meals to accommodate Passover restrictions. Thus you had/have the opportunity to observe a Kosher diet 365 days of the year including the eight days of Passover, when the menu for the Kosher Diet is modified to accommodate Passover restrictions. You also have the opportunity to maintain a Kosher diet during the feast of Trumpets (AKA Rosh Hashanah), when the regular Kosher Diet menu served.

The Facility Manager alleges that the memo does not violate my religious rights because I have the ability to get on a Kosher diet and keep Kosher 365 days of the year. Having the ability to get on a Kosher Diet and eating Kosher 365 days a year has no bearing on the issue at hand. The memo would still violate my religious rights regardless if I was on a Kosher diet or not. The tenets of the Hebrew Israelite faith dictate that I eat specific foods: Lamb, bitter herbs, and unleavened bread. While are provided with Matzah (unleavened bread) in the Kosher for Passover Bags we do not get bitter herbs nor lamb. Moreover, the memo does not further any penological interest by prohibiting us from ordering additional items. It is not a financial burden on the institution as all additional items are paid for by participating inmates.

The facility manager further states "[T]he memo issued by secretary Little on Feb. 25, 2022 states "that Inmates who receive religious diets will receive their religious diets as their fellowship meal unless they inform the CPD/designee one week ahead of the date of the fellowship meal that they will forgo their religious diet and consume the fellowship meal." Thus, no matter when an inmate faith community elects to observe a holy day with a fellowship meal, with the "best mainline meal" being served, inmates whose religious convictions inform them of the need to maintain a religious diet are still accommodated with such."

I do not know what memo the facility manager has but the memo I received does not state such a thing. Regardless it would still violate our religious rights specifically those pertaining to Passover. As I mentioned above the tenets of my faith require that I specific food items.

RESPECTFULLY SUBMITTED,



Oracio Sanchez



07/01/2022 02:53

Final Appeal Decision

Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

D.B33

Inmate Name:	SANCHEZ, ORACIO	DOC #:	KR8346
SCI Filed:	Fayette	Current SCI:	Fayette
Grievance #:	971715		

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted above. In accordance with the provisions of DC-ADM 804, Inmate Grievance System Policy, the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

Decision: Uphold Response

It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

A review of the record was conducted by the Bureau of Treatment Services regarding your claim that your religion is being substantially burdened because the Department is moving from a ceremonial meal option to a fellowship meal option, as outline in the memo you cite in your grievance. The Department does not force any inmate to consume certain foods from mainline, including the "best (mainline) meal" selected by a faith community which is served as a Fellowship Meal. Inmates may apply for one of three religious diets, and these religious diets will be served to inmates at Fellowship Meals, if they so wish, in lieu of their receiving the "best (mainline) meal" selected by an inmate faith community which serves as their Fellowship Meal. Food Services will prepare Fellowship Meals in the same manner that all meals are prepared for all inmates, and food preparation for religious diets will not be affected by this change. As such, your request that the change from ceremonial meals to fellowship meals not be implemented on 1/1/2023, is denied. It should be noted that as of the date of this response, you are not currently receiving on of the diet accommodations (namely, a Kosher diet) which you previously claimed to need in accordance with your faith. Concerns for a religious accommodation which you feel are burdened by the memo cited in this grievance, can be addressed by the submission of a new Religious Accommodate Request form. Your grievance and requested relief are denied.

Signature:	<i>Keri Moore for</i>
Name:	D. Varner
Title:	Chief Grievance Officer
Date:	07/01/22

CC: DC-15/Superintendent - Fayette
 Grievance Office

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-F

Issued: 1/26/2016 Effective: 2/16/2016

KR8346 Grievance #: 971715

SANCHEZ, ORACIO

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